

REMARKS/ARGUMENTS

The Communication from the Patent Office has alleged that the amendment filed on November 30, 2006 was not compliant because the claims presented are to an invention that is different from the invention we selected in response to the Restriction Requirement.

Specifically, as outlined on page 2 of the Communication, it is alleged that the presentation of new Claim 13, which defines domain A and domain B, is directed to a different invention than the original claims (including domain C) and based on the election requirement. While it is true that the original claims did specify domain C, the election requirement (and therefore response) only chose domain A and B.

Further discussion on these points follow,

The Restriction Requirement of March 14, 2006 required the election of a Group as follows (Office Communication of March 14, 2006 at page 2):

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, drawn to a polypeptide involved in intraplastid-targeting, or wherein said polypeptide fused with a heterologous protein is used in a method to target said heterologous protein into chloroplast.

Group II, claim(s) 9-12, drawn to a polynucleotide encoding a chloroplast targeting polypeptide.

Original Claim 1 of the application subject to this Restriction Requirement was: